

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SONNY P. LELILI'O,

Defendant.

Case No. 3:19-cr-00076-SLG-1

**ORDER**

At a proposed change of plea hearing (Docket 22), held before Judge Deborah M. Smith, defendant Sonny P. Lelili'o entered an oral plea of guilty to Count 1 of the Indictment. At Docket 26, Judge Smith issued her Final Report and Recommendation, in which she recommended that the District Court accept the defendant's guilty plea. No objections to the Final Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."<sup>1</sup> A court is to "make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made."<sup>2</sup>

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<sup>1</sup> 28 U.S.C. § 636(b)(1).

<sup>2</sup> *Id.*

But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>3</sup>

The magistrate judge recommended that the Court accept the plea of guilty. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation, and IT IS ORDERED that Mr. Lelili’o’s guilty plea to Count 1 of the Indictment is ACCEPTED and he is adjudged GUILTY on Count 1 of the Indictment.

The Court’s decision on whether to accept the terms of the parties’ plea agreement will be deferred until a pre-sentence report by the probation office and any written objections have been filed.

DATED this 20th day of November, 2019 at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).